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SUBJECT: DENMARK ISSUES REPORT ON CIA OVERFLIGHTS

REF: COPENHAGEN 332

Classified By: Charge d'Affaires Terence McCulley, reasons 1.4b,d

¶1. (C) Summary: Danish Foreign Minister Per Stig Moller October 23 briefed parliament on his government's investigation of alleged U.S. rendition flights through Danish airspace, emphasizing that no evidence had been found to prove those allegations or to suggest that Danish authorities had been aware of such operations. In a subsequent press conference, Moller expressed disappointment that the U.S. declined to confirm or deny the allegations, but reported that his exchanges with Secretary Rice had yielded a written American pledge to seek permission from Denmark for any future such flights. Danish officials privately credit the Secretary's letter with moderating opposition and media reaction, which has, in fact, been relatively mild so far. End summary.

¶2. (C) Joined by the Danish justice and transportation ministers, FM Moller briefed party leaders and the parliamentary foreign policy committee October 23 on the findings of the inter-ministerial working group, formed in response to a January 2008 television documentary alleging CIA rendition flights through Danish and Greenlandic airspace. The hefty, five-volume report reviews the legal framework, specific allegations, knowledge and actions by Danish authorities, and the U.S. response, concluding that the Danish government cannot confirm or rule out that such renditions have been carried out. There is no evidence, the report states, that Danish authorities had knowledge of alleged extrajudicial CIA activities in Danish airspace. The working group's report recommends that the government inform the United States that aircraft operated by foreign intelligence services are considered state aircraft requiring explicit, prior Danish consent to enter its airspace.

¶3. (C) In his public remarks, FM Moller characterized the initial U.S. response as "unacceptable," signaling his government's disappointment with our refusal to comment on allegations of past renditions, but indicated that he is satisfied with Secretary Rice's promise on future flights. Moller noted that Britain is the only other country to receive such a guarantee on future flights.

¶4. (C) Danish opposition leaders criticized the U.S. for not responding directly to the allegations and blamed the Danish government for not pursuing the issue more vigorously in the past, but most acknowledged that the allegations cannot be proven. "There's no smoking gun," allowed the far-left Unity List's Frank Aaen, who nevertheless called for an independent investigation -- a proposition quickly rejected by the government parties and the leading center-left opposition party. The Greenland Home Rule government, for its part, responded much as Moller had done and indicated that it considered the matter effectively closed. Danish media have highlighted unhappiness with the U.S. for its

"incomplete" response, but the issue failed to make the front pages of even the left-leaning dailies.

15. (C) Danish MFA Legal Advisor Thomas Winkler, principal drafter of the report and who accompanied Moller for his parliamentary briefings, told us afterwards that the government was relieved by the generally "civilized" discussion among parliamentarians and the mild reaction from the press. The Danish government does not relish being placed in such a position by its ally, Winkler noted, but made clear that Moller and others recognize our challenges and appreciate the assurances the Secretary was able to provide. Winkler said it was clear that the Secretary's letter had made a "a great difference" in managing opposition and public opinion on the issue, echoing a view voiced earlier to us by a senior member of the prime minister's staff.

16. (C) Winkler indicated that the Danish government will soon send a formal reply to our diplomatic note along the lines of Moller's presentation, but suggested that this communication will be for the record, in keeping with the working group's recommendations. Although he could not exclude entirely the possibility that the issue might re-emerge (one leading opposition member asked Moller whether the government would revisit the issue with the new U.S. administration; Moller declined to answer directly), Winkler evinced cautious optimism that the renditions controversy is behind us for now.

MCCULLEY